

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCUS L. CHAMBERS,)
)
)
 Plaintiff,)
)
)
v.) 1:14CV996
)
)
WALMART STORES, INC., CALVIN)
MARTIN, JULIE BEGINES, and)
KIMBERLY MURAWSKI,)
)
)
 Defendants.)

ORDER

This matter is before this court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on July 22, 2015, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 26.) In the Recommendation, the Magistrate Judge recommends that Defendants' Partial Motion to Dismiss (Doc. 17) be granted in part to the extent that all claims against Defendants Calvin Martin, Julie Begines, and Kimberly Murawski be dismissed and that the Motion to Dismiss be otherwise denied without prejudice to further consideration of these issues on dispositive motions after a period of discovery. The Recommendation was served on the parties to this action on July 22, 2015 (Doc. 27). Pro se Plaintiff filed an "Opposition to the Defendant's [sic] Motion to Dismiss" (Doc. 28) which the

court will construe as objections to the Recommendation. Counsel for Defendants responded to Plaintiff's objections (Doc. 29).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 26) is **ADOPTED**. **IT IS FURTHER ORDERED** that Defendants' Partial Motion to Dismiss (Doc. 17) is **GRANTED IN PART** to the extent that all claims against Defendants Calvin Martin, Julie Begines, and Kimberly Murawski are dismissed and that the Motion to Dismiss is otherwise **DENIED WITHOUT PREJUDICE** to further consideration of these issues on dispositive motions after a period of discovery.

This the 1st day of September, 2015.

William L. Ostan, Jr.

United States District Judge